

REMARKS

The Examiner indicates that Applicant's Response filed on 12/22/2008 is not fully responsive to the prior office action because while the amendment addresses the 112 second and first paragraph rejections of claims 1-11 as pertaining to physiologically active derivative and 112 first paragraph rejection of claims 1-11 as pertaining to solvate, it does not address the 112 first paragraph scope of enablement rejection of method of use claims 1-5.

Applicants have incorporated the amendments to the claims submitted in their response dated December 22, 2008 (indicated by Previously Amended), and added new amendments to the claims (indicated as Currently Amended or Cancelled) as outlined above.

Applicants request reconsideration and withdrawal of the rejections for the reasons set forth herein.

In order to file a complete reply, applicants repeat their previous arguments regarding the rejection of claims 1 to 11 for enablement in view of the terms "physiologically active derivative" and "solvate" below.

Claims 1-2 and 4-11 are rejected under 35 USC 112, first paragraph, for not enabling physiologically functional derivatives of the claimed compounds. Claims 1-11 are also rejected for not enabling solvates of the claimed compounds. The Examiner indicates that the instant application is enabled for salts, but not solvates. Applicants disagree with the Examiner's conclusion; however, in order to advance prosecution, the rejected terms have been removed from all affected claims.

112 First Paragraph Scope of Enablement Rejection of Method of Use Claims 1-5.

Examiner states that Applicant's Response filed on 12/22/2008 does not address the 112 first paragraph scope of enablement rejection of method of use claims 1-5.

In the Office Action dated September 22, 2008, the Examiner indicated several uses for the claimed compounds that are not found in the specification. Specifically, the Examiner indicated that the compounds are enabled for treating rheumatoid arthritis and breast cancer, and that the compounds are considered to be inhibitors of multiple protein kinases specifically TrkA, TrkB, TrkC, of Flt-3, based on assays in the application. The Examiner's rejection is based on the position that the specification is not enabling for the

treatment of cancers generally, inhibiting all kinases and treating all diseases associated therewith.

Applicants contend that this rejection is not in view of the subject specification but in view of some other specification. The subject specification is not directed to arthritis, or breast cancer, so it is difficult to see how the Examiner concludes that the application is enabled for the treatment of these diseases. Further, the subject specification is not directed to the treatment of cancer generally, or to the inhibition of all kinases, or to the inhibition of TrkA, TrkB, TrkC, or Flt-3, or to treating all diseases associated therewith.

The subject specification is directed to compounds which are indicated as inhibitors of one kinase, the hYak3 kinase. Such compounds are indicated in the treatment of anemic states, not the host of diseases alleged. Applicants have amended method claim 1 to be directed to the treatment of specific anemic states, not to a mechanism of action. Claims 2 to 4 have been cancelled as being redundant.

In view of the above amendments, applicants contend that the all rejections have been rendered moot and claims 1-11 are in condition for allowance.

Should the Examiner have any questions or wish to discuss any aspects of the case, the Examiner is encouraged to contact the undersigned attorney at the number indicated below.

Respectfully submitted,



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